

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EPIC SYSTEMS CORPORATION,

Plaintiff,

v.

TATA CONSULTANCY SERVICES LIMITED
and TATA AMERICA INTERNATIONAL
CORPORATION d/b/a TCA America,

Defendants.

ORDER

14-cv-748-wmc

Having reviewed plaintiff's amended deposition designations (dkt. #767), and defendants' amended objections and counter-designations (dkt. #781), the court makes the following rulings as to witnesses: Nazia Khader, Sankari Gunasekaran, Priscilla Kingston, Mukesh Kumar, and Vikran Vadamalai. The approved designations may be presented to the jury unless the witness is available to testify in person. **Plaintiff shall remove all objections and any other asides or discussions between counsel and/or with the court reporter, even where not noted by the court in its rulings.**

NAZIA KHADER (September 14, 2015)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
29:24-31:10	Retained as to 29:24-30:14, 30:24-31:10	31:8-10 Form; Witness lacks personal knowledge	30:15-23		Overruled
			37:5-7	Improper counter-designation	Overruled
47:3-51:23	Retained as to 47:9-48:6, 48:9-49:4, 50:7-11, 50:25-51:2, 51:5-10, 51:15-23	Cumulative	49:23-50:3		Overruled as to 47:9-48:6, 50:7-11, 51:5-10, 51:15-23; sustained as to 50:25-51:2
52:1-53:15	Retained as to 52:1-2, 52:5-12	Cumulative			Overruled
59:25-60:2	Retained	Cumulative			Overruled
60:4-25	Retained	Cumulative			Overruled
			64:14-25	Improper counter-designation	Overruled
74:21-75:14	Retained as to 74:21-75:2, 75:7-14	75:13-14 Argumentative; Cumulative			Sustained
76:22-77:7	Retained	77:6-7 Argumentative; Vague; Calls for speculation; Cumulative			Sustained

SANKARI GUNASEKARAN					
(January 12, 2016)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
			36:2-8	Incomplete (must add 36:9-15)	Sustained, add 36:9-15
70:17-71:5	Retained as to 70:17-71:2	70:25 – 71:2 Witness lacks personal knowledge.			Sustained
84:8-86:8	Retained as to 84:8-9, 84:16-21, 84:25-85:2, 85:12-86:2, 86:6-8	86:6-8 Argumentative.			Sustained
97:6-8	Retained	Argumentative; calls for speculation.			Sustained
101:2-16	Retained as to 101:2-4	101:8-16 Witness lacks personal knowledge.			Objection is mooted by amended designation
101:19-102:4	Retained as to 101:23-102:4	102:2-4 Witness lacks personal knowledge.			Sustained
124:13-125:12	Retained	Cumulative			Overruled
125:14-127:17	Retained as to 125:14-19, 125:25-127:4, 127:7-127:17	127:16-17 Asked and answered; cumulative			Sustained
127:19-133:20	Retained as to 127:19-128:4, 128:8-12, 129:14-21	Cumulative	132:21-133:13		Sustained as to 127:19-20; otherwise overruled
134:1-137:9	Retained as to 135:13-18, 136:9-137:4	136:9-137:4 Relevance; Cumulative	134:13-25		Sustained as to 136:9-12, 136:23-137:4; overruled

SANKARI GUNASEKARAN
(January 12, 2016)

Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
					as to 136:13-22
141:7-142:15	Retained as to 141:7-8, 141:15- 142:15	141:11-12 Foundation 142:6-143:6 Relevance; cumulative; Rule 403 (unfair prejudice)			Sustained
142:17-143:6	Retained	Foundation; Relevance; cumulative; Rule 403 (unfair prejudice)			Sustained
149:19-151:2	Retained as to 150:23-151:2	151:2 Vague and ambiguous; cumulative.			Sustained

PRISCILLA KINGSTON (January 7, 2016)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
			11:23-12:5	Improper Counter-Designation	Sustained
125:20-131:16	Retained as to 125:20-22, 126:1-9, 126:10-12, 126:13-23, 126:25-127:10, 127:22-128:18, 130:18-25, 131:13-16	Cumulative	128:19-22		Sustained as to 130:18-25; otherwise overruled
131:18-23	Retained	131: 13-25 Relevance; Cumulative; Calls for speculation; witness lacks personal knowledge.			Sustained as to 131:22-23; overruled as to 131:18-21
131:25-132:3	Retained	132:2-8 Relevance; Cumulative; Calls for speculation; vague; witness lacks personal knowledge			Sustained
132:5-8	Retained	Relevance; Cumulative; Calls for speculation; vague; witness lacks personal knowledge			Sustained
132:24-133:1	Retained	Relevance; Cumulative; Calls for			Overruled

PRISCILLA KINGSTON
(January 7, 2016)

Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
		speculation; vague; witness lacks personal knowledge			
133:3-135:19	(Retained) 133:5-14	133:3-6 Relevance; Cumulative; Calls for speculation; vague; witness lacks personal knowledge			Overruled as to 133:5-8; sustained as to 133:9-14

MUKESH KUMAR (September 15, 2015)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
17:1-12	Retained as to 17:7-12	Assumes facts not in evidence			Overruled
36:18-21	Retained	Cumulative			Overruled
37:15-38:4	Retained	37:21-38:4 Cumulative			Overruled
39:22-40:9	Retained	39:22-25 Cumulative			Sustained
43:14-25	Retained	Cumulative			Sustained as to 43:24-25; otherwise overruled
44:11-14	Retained	Relevance; cumulative			Sustained
44:16-45:4	Retained	Relevance; cumulative			Sustained
51:8-18	Retained	51:8-15 Rule 403 (Cumulative, reading from Exhibit 204).			Sustained, exclude through line 18
51:23-54:15	Retained as to 51:23-53:14, 54:4-15	51:17-52:24 Relevance; Calls for speculation; Witness lacks personal knowledge; Rule 403 (waste of time). 54:14-15-Cumulative	53:15-22		Sustained as to 52:11-24, 54:3-8; otherwise overruled
54:17	Retained	Cumulative			Overruled
54:19-21	Retained	Cumulative			Sustained
54:24-55:4	Retained	Relevance; Rule 403 (waste of time)			Sustained
60:13-65:7	Retained as to 64:11-65:7	64:11-65:7 Cumulative			Overruled

MUKESH KUMAR (September 15, 2015)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
74:7-77:14	Retained	76:14-19 Relevance; witness is guessing; calls for speculation. 77:1-13 Rule 403 (cumulative), reading from exhibit; Rule 403 (waste of time)			Sustained as to 76:14-19 and 77:1-7, 11-13; overruled as to 77:8- 10; also exclude 74:7-11 and 76:4- 13
77:16-21	Retained	Cumulative			Overruled
79:21-24	Retained	79:21-24 Calls for speculation; Relevance; Rule 403 (waste of time)			Sustained
80:1-25	Retained	80:1-4 Calls for speculation; Relevance; Rule 403 (waste of time 80:5-13 Rule 403 (Cumulative, reading from Exhibit 209). 80:21-24 Rule 403 (Cumulative, reading from Exhibit 209).			Sustained as to 80:1- 13; overruled as to 80:14-20
81:6-85:9	Retained as to 82:18-85:9	85:7-9 Form: Witness lacks personal knowledge; Calls for speculation.	81:6-12		Objection overruled, but exclude all attorney reading of

MUKESH KUMAR (September 15, 2015)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
					exhibit; only include reference to the exhibit in the designation
85:11-86:3	Retained	Form			Overruled as to 85:11; sustained as to 85:12-86:3
87:4-88:6	Retained	87:4-88:3 Foundation; Calls for legal conclusion; Calls for speculation. 88:6 Strike-Question was immediately rephrased			Sustained
88:9-13	Retained	88:12-13 Not phrased as question; argumentative.			Sustained
88:15-89:7	Retained	88:17-89:7 Calls for legal conclusion; Calls for speculation; Cumulative			Overruled, but exclude 88:15-16 and start excerpt with "Did anything . . ." on 88:17
89:10-90:12	Retained as to 89:10-18, 89:22-90:3,	89:10-13 Calls for legal conclusion;			Sustained as to 90:10-12;

MUKESH KUMAR (September 15, 2015)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
	90:7-12	Calls for speculation. 90:10-12 Foundation; Calls for speculation.			otherwise overruled
93:8-18	Retained as to 93:9-18	93:10-18 Misstates prior testimony; Cumulative			Sustained
97:20-98:14	Retained	97:20-98:11 Foundation; Rule 403 (cumulative, reading from Exhibit 211) 98:12-16 Calls for speculation			Sustained as to 97:24-98:8; overruled as to 97:20-24, 98:9-14
98:16-99:9	Retained	98:16-21 Calls for speculation. 98:22-99:5 Rule 403 (cumulative, reading from Exhibit 211).			Overruled
			100:6-14	Foundation; 602; NR	Overruled
107:17-108:12	Retained	108:9-12 Calls for speculation			Overruled
109:24-110:5	Retained as to 109:24-110:2, 110:4-5	109:24-110:5 Calls for speculation; Witness lacks personal knowledge.			Overruled
122:10-25	Retained as to 122:10-18	Cumulative			Sustained
124:3-11	Retained	124:6-11 Rule 403; Cumulative			Sustained

MUKESH KUMAR
(September 15, 2015)

Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
131:16-132:2	Retained as to 131:25-132:2	Cumulative	131:9-11; 14; 16-24		Overruled

VIKRAM VADAMALAI (September 15, 2015)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
42:19-43:3	Retained	Cumulative			Overruled
43:20-46:25	Retained as to 43:20-46:20	Cumulative			Sustained as to 45:7-11, start designation at "when it was . . ."; otherwise overruled
52:2-53:7	Retained as to 52:2-6, 52:14-53:7	Cumulative			Overruled
53:22-58:18	Retained as to 53:22-55:19, 56:10-58:10	Cumulative	55:20-56:9		Sustained as to 53:24-54:2; otherwise overruled
59:6-60:25	Retained	Cumulative			Sustained as to 59:18-22, start designation on line 23 at "You're not aware . . ."; otherwise overruled
61:17-63:5	Retained as to 61:17-19, 62:2-63:5	Cumulative			Overruled
			63:6-13	Incomplete (must add 63:14-64:7)	Overruled
64:8-25	Retained	Cumulative			Overruled
69:12-70:1	Retained	Cumulative			Sustained
70:3-14	Retained	Cumulative			Sustained
71:6-24	Retained as to 71:15-21	Cumulative			Sustained

VIKRAM VADAMALAI (September 15, 2015)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
72:19-75:3	Retained as to 72:19-73:19, 73:24-74:4, 74:23-75:3	Cumulative			Sustained
75:13-14	Retained	Cumulative			Overruled
75:16-22	Retained	Cumulative			Overruled
75:24-76:8	Retained	Cumulative			Overruled
76:18-21	Retained	76:20-21 Argumentative; Cumulative			Sustained
76:23-77:5	Retained	Cumulative			Sustained as to 76:23-77:1; overruled as to 77:3-5
77:7-79:6	Retained as to 77:7-78:9, 78:25-79:6	Cumulative			Overruled
79:23-81:4	Retained	Cumulative			Sustained as to 80:3-21; otherwise overruled
81:6-12	Retained	Cumulative			Sustained
81:14-20	Retained	Cumulative			Sustained at to 81:14-18; overruled as to 81:19-20
81:22-82:23	Retained	82:20-23 Calls for speculation; witness lacks personal knowledge; Cumulative			Exclude 81:23-82:19; otherwise objection overruled
82:25-83:3	Retained	82:25-83:3 Calls for			Overruled

VIKRAM VADAMALAI (September 15, 2015)					
Plaintiff's Designations	Plaintiff's Amendments to Designations	Defendants' Objections	Defendants' Counter-Designations	Plaintiff's Objections to Counter-Designations	Rulings
		speculation; witness lacks personal knowledge; Cumulative			
83:6-24	Retained as to 83:6-12, 83:22-24	83:22-24 Calls for speculation; witness lacks personal knowledge; Cumulative			Overruled
84:1-6	Retained	Cumulative; 84:3 Calls for speculation; witness lacks personal knowledge. 84:5-6 Calls for speculation; witness lacks personal knowledge.			Overruled
84:8-11	Retained	Cumulative			Overruled

Entered this 6th of April, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge